

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

THE BOEING COMPANY

No. 4:21-CR-00005-O

**THE UNITED STATES OF AMERICA’S RESPONSE IN OPPOSITION TO
NAOISE CONNOLLY RYAN, ET AL.’S MOTION FOR LEAVE TO RE-FILE
PROFFER OF FACTS SUPPORTING THEIR POSITION ON REMEDIES
AND REQUEST FOR AN EVIDENTIARY HEARING**

The United States of America (the “Government”) respectfully opposes the motion of the representatives of eighteen victims of the Lion Air Flight 610 and Ethiopian Airlines Flight 302 plane crashes (the “Movants”) seeking to obtain leave of the Court to re-file a proffer of various purported factual assertions made in their previous filings, *see* ECF Nos. 124, 72, and 107. The Government continues to object to the admission of these proffered facts for the reasons previously stated in its filings in opposition (*i.e.*, ECF Nos. 73 and 114—the Government’s pleadings responding to ECF Nos. 72 and 107, respectively; *see also, e.g.*, ECF Nos. 58, 60, and 128), which it incorporates by reference herein.

The Government also respectfully submits that the Court’s October 21, 2022, ruling mooted the need to consider the proffered facts. At the same time that the Court issued its order finding that Movants have “status as lawful representatives of crime victims under the CVRA and that they therefore have standing to assert rights under the Act,” the Court “DENIE[D] as moot Movants’ related pending motions (ECF Nos. 72, 107, and 115).” Nothing has changed since the Court issued its mootness ruling as the proffered facts have no bearing on the only question now pending before the Court—the issue of remedy.

For these reasons, this Court should deny the Movants’ motion for leave to re-file a proffer of certain purported facts and request for an evidentiary hearing.

Respectfully submitted,

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Certificate of Service

I certify that on November 21, 2022, I electronically filed this pleading with the clerk of the court for the U.S. District Court, Northern District of Texas, using the Court's electronic case filing system, which will send a notification of electronic filing to notify counsel of record for Defendant Boeing and the Movants.

s/ Jerrob Duffy

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Deputy Chief, Fraud Section

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